

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF MOBITV, INC.,

09 CIV. 7071 (DLC)

~~PROPOSED~~ PRETRIAL
SCHEDULING ORDER

Related to

UNITED STATES OF AMERICA,
Plaintiff,

41 CIV. 1395 (DLC)

v.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS,
AND PUBLISHERS,
Defendant.

DENISE COTE, District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>8/28/09</u>

As set forth at the pretrial conference held on August 18, 2009, the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. All fact discovery must be completed by **September 30, 2009**, and all remaining fact discovery shall consist exclusively of follow-up and/or completion of previously-noticed party and third-party discovery.
2. Parties' disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B), Fed.R.Civ.P., must occur by **October 30, 2009**. Disclosure of rebuttal expert testimony must occur by **December 1, 2009**.
3. All expert discovery must be completed by **January 5, 2010**.
4. The Joint Pretrial Order must be filed by **February 4, 2010**.

As described in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Proposed Findings of Fact and Conclusions of Law and a Memorandum of Law addressing all questions of

law expected to arise at trial. Any responsive memorandum of law is due one week thereafter.

All direct testimony except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at trial, shall be submitted by affidavits and served, **but not filed**, with the Joint Pretrial Order.

Those portions of depositions that are being offered as substantive evidence, along with a one page synopsis (with transcript citations) of such testimony for each deposition, shall be exchanged at the time the Pretrial Order is filed.

Three days after submission of the affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the trial. Affiants for whom such notice is not given are not required to be present at trial.

Counsel will provide the Court with two (2) courtesy copies of all these documents at the time they are served, as well as one set of pre-marked exhibits assembled sequentially i) in a looseleaf binder, or ii) in separate manila folders labelled with the exhibit numbers and placed in a suitable container or box for ready reference.

Dated: New York, New York
August 28, 2009


DENISE COTE

United States District Judge